

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION NO. 2004-11565 -RCL**

**JASON P. FILES,  
Plaintiff,**

**v.**

**MASSACHUSETTS DEPARTMENT  
OF CORRECTIONS,  
Defendant.**

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**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

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NOW COMES the Defendant, Massachusetts Department of Correction, by and through undersigned counsel, and hereby moves this honorable Court to enlarge the time for serving a responsive pleading to plaintiff's complaint, up to and including December 17, 2004.

As reasons therefore, counsel states that further time is required in order to investigate and make an informed and intelligent response to the allegations contained within the plaintiff's complaint. The additional time is also required due to counsel's heavy case load including his representation of the Department of Correction in two G.L.c. 123A, section 9 Superior Court jury trials: Thomas v. Commonwealth, Worcester, No. 01-2343, currently on trial in Cambridge Superior Court (expected to close evidence on Friday, October 22, 2004), and Tucker v. Commonwealth, Franklin, No. 01-139, scheduled for trial on November 15, 2004. These trials are extremely fact intensive and require significant preparation.

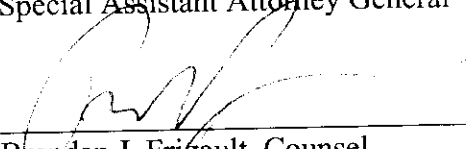
This delay in responding to the complaint will in no way prejudice the plaintiff's lawsuit.

Respectfully Submitted

by the Commonwealth

NANCY ANKERS WHITE  
Special Assistant Attorney General

by:

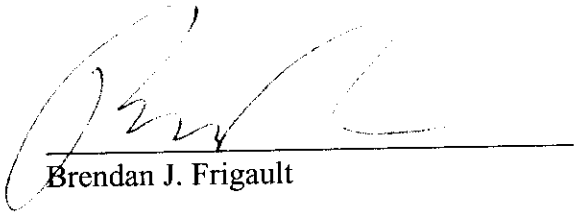
  
Brendan J. Frigault, Counsel  
Department of Correction  
Massachusetts Treatment Center  
30 Administration Road  
Bridgewater, Massachusetts 02324  
(508) 279-8180  
BBO Number 647669

Dated: October 20, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that I served a photocopy of the above document upon the petitioner's counsel-of-record:

Walter J. Hayes, Jr.  
LAW OFFICE OF JAY M. LUPIS  
6 Cabot Place, Unit 8  
Stoughton, MA 02072

  
Brendan J. Frigault

Dated: October 20, 2004